

FILED

JUL 29 2013

Phil Lombardi, Clerk
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DARRELL D. ANDERSON,)
Plaintiff,)
v.)
PREMIER COMMUNITY SERVICES,)
INC., an Oklahoma corporation,)
Defendant.)

13 CV - 468 JHP - FHM

Case No. _____

JURY TRIAL DEMANDED

NOTICE OF REMOVAL

Defendant Premier Community Services, Inc. ("Defendant" or "Premier") hereby Notifies the Court and the parties that it is removing this action to the United States District Court for the Northern District of Oklahoma pursuant to 28 U.S.C. §1331 and 28 U.S.C. §§1441 *et seq.* Defendant respectfully shows the Court as follows:

1. Premier is the Defendant in a civil action brought against it in the District Court of Tulsa County, State of Oklahoma, styled *Darrell D. Anderson v. Premier Community Services, Inc.*, Case No. CJ-2013-3155 ("State Court Action").
2. Based upon the allegations in the Petition filed in the State Court Action, at the time of filing this action and at the present time, Plaintiff Darrell Anderson ("Plaintiff") was and is a resident and citizen of the State of Oklahoma.
3. At the time of filing this action and at the present time, Defendant was and is a corporation duly organized and existing under the laws of the State of Oklahoma and no other state, with its principal place of business in Tulsa, Oklahoma.
4. In Paragraph 3 of the Petition filed in the State Court Action, Plaintiff alleges that Defendant is subject to "Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq."

In Paragraph 5 of his Petition filed in the State Court Action, Plaintiff asserts that he "...was constructively discharged, based on his race and based upon retaliation for his complaints, both internally and to government agencies, of illegal actions taken by Defendant." Therefore, as plead, this is the kind of action of which the United States District Courts have original jurisdiction pursuant to 28 U.S.C. §1331 because some or all of Plaintiff's claims arise under the Constitution, laws, or treaties of the United States.

5. The aforementioned State Court Action was commenced on July 3, 2013, when Plaintiff filed a Petition, of which Defendant received service on July 9, 2013, through Defendant's employee, Trish Vedda.

6. Copies of all process, pleadings, and orders filed or served upon Defendant in the aforementioned State Court Action are attached hereto as follows, and made a part hereof:

Exhibit 1 Docket Sheet

Exhibit 2 Petition

Exhibit 3 Original Summons

Exhibit 4 Return of Service and Proof of Service Affidavit

7. This Notice of Removal is being filed within thirty (30) days after receipt by Defendant of a copy of the Petition in the State Court Action, from which it was first ascertained that the case is one that is removable, and, accordingly, it is timely filed under 28 U.S.C. §1446.

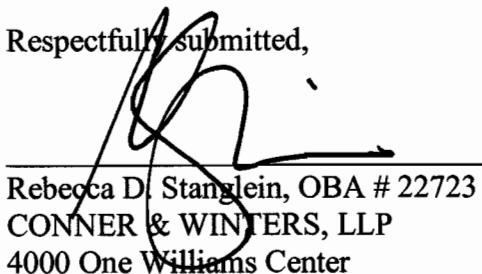
8. Contemporaneously herewith, written notice of this Notice of Removal will be served on all parties to this action, and a copy of this Notice of Removal is being filed with the Court Clerk of Tulsa County, Oklahoma, pursuant to 28 U.S.C. §1446, which shall effect the removal, and said State Court shall proceed no further unless and until the case is remanded, as

provided by law. A copy of that Notice of Filing Notice of Removal is attached hereto as Exhibit 5.

WHEREFORE, Defendant Premier Community Services, Inc., by and through its undersigned counsel, hereby removes the above-captioned case now pending in the District Court of Tulsa County, State of Oklahoma, to the United States District Court for the Northern District of Oklahoma.

JURY TRIAL DEMANDED.

Respectfully submitted,


Rebecca D. Stanglein, OBA # 22723
CONNER & WINTERS, LLP
4000 One Williams Center
Tulsa, Oklahoma 74172-0148
Telephone: (918) 586-5715
Facsimile: (918) 586-8611
E-mail: rstanglein@cwlaw.com

-and-

Victor F. Albert, OBA #12069
CONNER & WINTERS, LLP
1700 Leadership Square
211 North Robinson
Oklahoma City, Oklahoma 73102
Telephone: (405) 272-5711
Facsimile: (405) 232-2695
E-mail: vAlbert@cwlaw.com

**ATTORNEYS FOR DEFENDANT
PREMIER COMMUNITY SERVICES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of July, 2013, I caused to be served a true and correct copy of the foregoing document, by mailing such document to Plaintiff's attorney of record at the address set forth below:

Steven R. Hickman
FRASIER, FRASIER & HICKMAN, LLP
1700 Southwest Boulevard
Tulsa, Oklahoma 74107



Rebecca D. Stanglein

EXHIBIT 1



[Home](#) | [Courts](#) | [Court Dockets](#) | [Legal Research](#) | [Calendar](#) | [Help](#)

The information on this page is NOT an official record. Do not rely on the correctness or completeness of this information. Verify all information with the official record keeper. The information contained in this report is provided in compliance with the Oklahoma Open Records Act, 51 O.S. 24A.1. Use of this information is governed by this act, as well as other applicable state and federal laws.

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

DARRELL D ANDERSON, Plaintiff, v. PREMIER COMMUNITY SERVICES INC, Defendant.	No. CJ-2013-3155 (Civil relief more than \$10,000: WRONGFUL TERMINATION) Filed: 07/03/2013 Judge: Morrissey, Linda G.
------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------

Parties

ANDERSON, DARRELL D , Plaintiff
PREMIER COMMUNITY SERVICES INC , Defendant

Attorneys

Attorney HICKMAN, STEVEN R(Bar # 4172) 1700 SOUTHWEST BLVD. TULSA, OK 74107	Represented Parties ANDERSON, DARRELL D
---------------------------------------------------------------------------------------------	---------------------------------------------------

Events

Event	Party	Docket	Reporter
-------	-------	--------	----------

Issues

For cases filed before 1/1/2000, ancillary issues may not appear except in the docket.

Issue # 1.

Issue: WRONGFUL TERMINATION (TERMINATE)

Filed by: ANDERSON, DARRELL D

Filed Date: 07/03/2013

Disposition Information:

Party Name:

Defendant: PREMIER COMMUNITY SERVICES INC Pending.

Docket

Date	Code	Count	Party	Serial #	Entry Date	
07-03-2013	TEXT	1		85971409	Jul 3 2013 4:13:08:513PM	-\$ 0.00
			CIVIL RELIEF MORE THAN \$10,000 INITIAL FILING.			
07-03-2013	TERMINATE	-	WRONGFUL TERMINATION	85971411	Jul 3 2013 4:24:31:203PM	Realized \$ 0.00
07-03-2013	DMFE	-		85971412	Jul 3 2013 4:13:08:593PM	Realized \$ 2.00
			DISPUTE MEDIATION FEE(\$ 2.00)			
07-03-2013	PFE1	-		85971413	Jul 3 2013 4:21:43:473PM	Realized \$ 163.00

PETITION(\$ 163.00)

[Document Available \(#1021099457\)](#)

07-03-2013 PFE7 -	85971414	Jul 3 2013 4:13:08:593PM	Realized	\$ 6.00
LAW LIBRARY FEE(\$ 6.00)				
07-03-2013 OCISR -	85971415	Jul 3 2013 4:13:08:593PM	Realized	\$ 25.00
OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)				
07-03-2013 CCADMIN02 -	85971416	Jul 3 2013 4:13:08:593PM	Realized	\$ 0.20
COURT CLERK ADMINISTRATIVE FEE ON \$2 COLLECTIONS(\$ 0.20)				
07-03-2013 OCJC -	85971417	Jul 3 2013 4:13:08:593PM	Realized	\$ 2.00
OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND(\$ 2.00)				
07-03-2013 OCASA -	85971418	Jul 3 2013 4:13:08:593PM	Realized	\$ 5.00
OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES(\$ 5.00)				
07-03-2013 CCADMIN04 -	85971419	Jul 3 2013 4:13:08:593PM	Realized	\$ 0.50
COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 0.50)				
07-03-2013 LTF -	85971420	Jul 3 2013 4:13:08:713PM	Realized	\$ 10.00
LENGTHY TRIAL FUND(\$ 10.00)				
07-03-2013 SMF -	85971421	Jul 3 2013 4:13:08:743PM	Realized	\$ 5.00
SUMMONS FEE (CLERKS FEE)(\$ 5.00)				
07-03-2013 SMIP -	85971422	Jul 3 2013 4:13:08:773PM	Realized	\$ 0.00
SUMMONS ISSUED - PRIVATE PROCESS SERVER				
07-03-2013 TEXT -	85971410	Jul 3 2013 4:13:08:533PM	-	\$ 0.00
OCIS HAS AUTOMATICALLY ASSIGNED JUDGE MORRISSEY, LINDA G. TO THIS CASE.				
07-03-2013 ACCOUNT -	85971428	Jul 3 2013 4:13:41:533PM	-	\$ 0.00
RECEIPT # 2013-2632695 ON 07/03/2013.				
PAYOR:FRASIER FRASIER TOTAL AMOUNT PAID: \$218.70.				
LINE ITEMS:				
CJ-2013-3155: \$168.00 ON AC01 CLERK FEES.				
CJ-2013-3155: \$6.00 ON AC23 LAW LIBRARY FEE.				
CJ-2013-3155: \$0.70 ON AC31 COURT CLERK REVOLVING FUND.				
CJ-2013-3155: \$5.00 ON AC58 OKLAHOMA COURT APPOINTED SPECIAL ADVOCATES.				
CJ-2013-3155: \$2.00 ON AC59 OKLAHOMA COUNCIL ON JUDICIAL COMPLAINTS REVOLVING FUND.				
CJ-2013-3155: \$2.00 ON AC64 DISPUTE MEDIATION FEES.				
CJ-2013-3155: \$25.00 ON AC79 OCIS REVOLVING FUND.				
CJ-2013-3155: \$10.00 ON AC81 LENGTHY TRIAL FUND.				
07-10-2013 S -	PREMIER COMMUNITY SERVICES INC	86030200	Jul 11 2013 9:09:15:580AM	\$ 0.00
PARTY HAS BEEN SUCCESSFULLY SERVED SUMMONS BY CORP SERVICE BY SERVING TRISH VEDDA ON 7/9/13 BY PROCESS SERVER				
<u>Document Available (#1022337999)</u>				

EXHIBIT 2



* 1 0 2 1 0 9 9 4 5 7 *

DISTRICT COURT
IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

F I L E D

JUL 03 2013

DARRELL D. ANDERSON,

Plaintiff,

v.

PREMIER COMMUNITY SERVICES,
INC., an Oklahoma corporation,

Defendant.

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

CJ 2013-03155

Case No.
Attorneys' Lien Claim
Jury Trial Demanded

PETITION

LINDA G. MORRISSEY

COMES NOW Plaintiff and for his claims and causes of action against Defendant states and alleges:

1. Plaintiff, Darrell D. Anderson, is a resident of Tulsa County, State of Oklahoma.
2. Defendant, Premier Community Services, Inc., is a corporation organized and existing under the laws of the State of Oklahoma.
3. At all times material herein, Defendant has been subject to the Oklahoma Anti-Discrimination laws, 25 O.S. § 1101 et seq., and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., all as amended.
4. At all times material herein, Defendant has acted by and through its agents, servants and employees, who were acting within the scope of their agency, service and employment.
5. Plaintiff was a long-time employee of Defendant until June, 2012, when

2013-03155-16

Plaintiff was constructively discharged, based on his race and based upon retaliation for his complaints, both internally and to governmental agencies, of illegal actions taken and/or allowed by Defendant.

6. As a result, Plaintiff has lost wages, has suffered and will suffer emotional distress, and has been otherwise damaged.
7. The actions of Defendant were willful, wanton, and reckless.

WHEREFORE, premises considered, Plaintiff prays for judgment against Defendant in a sum in excess of \$10,000 actual damages, in a sum in excess of \$10,000 punitive damages, interest, costs, attorneys' fees, reinstatement, injunctive relief, and such other and further relief to which Plaintiff is deemed entitled.

Respectfully submitted,

FRASIER, FRASIER & HICKMAN, LLP

By:


Steven R. Hickman, OBA #4172
1700 Southwest Blvd.
Tulsa, OK 74107
Phone: (918) 584-4724
Fax: (918) 583-5637
E-mail: frasier@tulsa.com

EXHIBIT 3

ORIGINAL SUMMONS

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA, 500 SOUTH DENVER, TULSA, OKLAHOMA 74103

DARRELL D. ANDERSON,

Plaintiff(s)

vs.

PREMIER COMMUNITY SERVICES, INC., an
Oklahoma corporation,

Defendant(s)

C.J. **2013-03155**

Case No.

Attorney(s) for Plaintiff(s)

Name Steven R. Hickman, OBA #4172

Address FRASIER, FRASIER & HICKMAN, LLP

1700 Southwest Boulevard

Tulsa, OK 74107

Telephone 918/584-4724

PREMIER COMMUNITY SERVICES, INC.

4350 South Sheridan, Suite 103
Tulsa, OK 74145

Bryan Smith

Appointed to serve, PSL # 12-49

Authorized by

Steven R. Hickman

You have been sued by the above named plaintiff(s), and you are directed to file a written answer to the attached petition and order in the Court at the above address within twenty (20) days after service of this summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 3rd day of July, 2013.

Sally Howe Smith, Court Clerk

By:

Sally Howe Smith
Deputy Court Clerk

(Seal)

This summons and order was served on _____
(date of service)

(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

Return ORIGINAL for filing.

EXHIBIT 4

ORIGINAL SUMMONS



* 1 0 2 2 3 3 7 9 9 9 *

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA, 500 SOUTH DENVER, TULSA, OKLAHOMA 74105

DARRELL D. ANDERSON,

Plaintiff(s)

vs.

PREMIER COMMUNITY SERVICES, INC., an
Oklahoma corporation,

Defendant(s)

CJ 2013-03155
Case No.

Attorney(s) for Plaintiff(s)
Name Steven R. Hickman, OBA #4172
Address FRASIER, FRASIER & HICKMAN, LLP
1700 Southwest Boulevard
Tulsa, OK 74107
Telephone 918/584-4724

PREMIER COMMUNITY SERVICES, INC.
4350 South Sheridan, Suite 103
Tulsa, OK 74145

DISTRICT COURT
FILED

Bryan Smith

Appointed to serve, PSL # 12-49

Authorized by

Steven R. Hickman

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

You have been sued by the above named plaintiff(s), and you are directed to file a written answer to the attached petition and order in the Court at the above address within twenty (20) days after service of this summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff. Unless you answer the petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 26 day of July, 2013.

Sally Howe Smith, Court Clerk

By:

Deputy Court Clerk

(Seal)

This summons and order was served on _____

7-9-13

(date of service)

Allen B. Nelson
(Signature of person serving summons)

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

Return ORIGINAL for filing.

PROOF OF SERVICE AFFIDAVIT

108495

COUNTY OF: TULSA
STATE OF: OKLAHOMA
PLAINTIFF(S)/IN RE: DARRELL D. ANDERSON
DEFENDANT(S): PREMIER COMMUNITY SERVICES, INC.
Documents Served: SUMMONS AND PETITION

Date Received: 8 Jul 2013 Received From: FRASIER, FRASIER & HICKMAN
1700 S.W. BLVD
TULSA, OK 74107

I, ALLEN B. NELSON, do hereby certify that I served the above named documents on:

PREMIER COMMUNITY SERVICES, INC.

By delivering copies to: TRISH VEDDA
(Title/Relationship) HUMAN RESOURCES
Address of Service: 4530 S. SHERIDAN, STE. 103
TULSA, OK 74145
Date of Service: 9 Jul 2013
Time of Service: 1:55 am pm X

PERSONAL SERVICE.

RESIDENTIAL SERVICE (by leaving a true copy of said process with a person residing therein, who is fifteen (15) years of age or older, at the above listed address, which is the usual place of abode or dwelling house of the above named person(s))

CORPORATION/PARTNERSHIP/ENTITY, ETC. (by delivering a true copy of said process to an officer, attorney, agent or partner of the above named entity.)

Affidavit

I, the undersigned, under oath, do say, that I served the above named documents and made this return thereon, according to law; that I am duly authorized to make this affidavit so help me God.

Subscribed and Sworn to before me on

9 Jul 2013

10/19/14
My Commission Expires

ALLEN B. NELSON

PSL# 2011-6

Notary Public



Bryan Smith & Associates, Inc.
P.O. Box 799 Tulsa, OK 74101
Office: 918-582-5353 Toll Free: 800-528-2724
email: bsai799@aol.com

EXHIBIT 5

**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA**

DARRELL D. ANDERSON,)
)
Plaintiff,)
)
v.) **Case No. CJ-2013-3155**
) **Judge Linda G. Morrissey**
PREMIER COMMUNITY SERVICES,)
INC., an Oklahoma corporation,)
)
Defendant.)

NOTICE OF FILING NOTICE OF REMOVAL

TO: The above-named Plaintiff, and said Plaintiff's attorney of record:
Darrell D. Anderson
c/o Steven R. Hickman
FRASIER, FRASIER & HICKMAN, LLP
1700 Southwest Boulevard
Tulsa, Oklahoma 74107

YOU WILL TAKE NOTICE that on the 29th day of July, 2013, Defendant Premier Community Services, Inc., filed with the Clerk of the United States District Court for the Northern District of Oklahoma in Case No. _____, styled *Darrell D. Anderson v. Premier Community Services, Inc.*, its Notice of Removal, together with copies of all process, pleadings, and orders served upon it in the above-captioned action. A true and correct copy of such Notice of Removal is attached hereto as Exhibit A.

DATED this 29th day of July, 2013.

Respectfully submitted,

Rebecca D. Stanglein, OBA # 22723
CONNER & WINTERS, LLP
4000 One Williams Center
Tulsa, Oklahoma 74172-0148
Telephone: (918) 586-5715
Facsimile: (918) 586-8611
E-mail: rstanglein@cwlaw.com

-and-

Victor F. Albert, OBA #12069
CONNER & WINTERS, LLP
1700 Leadership Square
211 North Robinson
Oklahoma City, Oklahoma 73102
Telephone: (405) 272-5711
Facsimile: (405) 232-2695
E-mail: valbert@cwlaw.com

***ATTORNEYS FOR DEFENDANT
PREMIER COMMUNITY SERVICES, INC.***

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of July, 2013, I caused to be served a true and correct copy of the foregoing document, by mailing such document to Plaintiff's attorney of record at the address set forth below:

Steven R. Hickman
FRASIER, FRASIER & HICKMAN, LLP
1700 Southwest Boulevard
Tulsa, Oklahoma 74107

Rebecca D. Stanglein